



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,084	01/14/2000	William R. Campbell	051091-0401	7886

7590 03/21/2003

RICHARD SAN PIETRO ESQ.
FOLEY & LARDNER
P.O. BOX 802278
SAN DIEGO, CA 92138-0278

EXAMINER	
PRYOR, ALTON NATHANIEL 24	
ART UNIT	PAPER NUMBER

1616

DATE MAILED: 03/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/483,084	Applicant(s) Campbell et al
Examiner Alton Pryor	Art Unit 1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Jan 14, 2003

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

4) Claim(s) 1-16, 32-53, and 56-63 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 12-16, 39-44, and 58-63 is/are allowed.

6) Claim(s) 1-3, 7-10, 32, 45-47, and 51-53 is/are rejected.

7) Claim(s) 4-6, 11, 33-38, 48-50, 56, and 57 is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) Interview Summary (PTO-413) Paper No(s). _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

Art Unit: 1616

Claim Rejection under 35 U.S.C. 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3,7-10,32,45-47,51-53 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 1345510; 1/30/74. GB '510 teaches a non aqueous composition comprising 10-65 % polyethylene glycol (emulsifier), 35-90% propylene glycol (polyol), 0-10% benzyl alcohol, and 1-15 mg benzodiazepine (active). See page 1 line 77- page 2 line 2. GB '510 teaches that a bactericide (parasiticide) can be added to the non-aqueous composition. See page 2 lines 44-52. GB '510 teaches a method of administering the non-aqueous composition to patients (organisms) by way of injection. GB '510 teaches that the non-aqueous composition can be administered as is or diluted with water prior to injection. See page 1 lines 71-76, page 2 lines 53-59.

Claim Objection / Allowable Subject Matter

Claims 4-6,11,33-38,48-50,56,57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach or suggest the instant non-aqueous compositions comprising the biologically active compounds of claim 4. Claims 12-16, 39-44,58-63 are allowable. The prior art does not teach or suggest the instant non-aqueous

Art Unit: 1616

compositions comprising n-methyl pyrrolidone. The prior art does not teach or suggest a method of administering instant non-aqueous compositions to instant animals of claim 58.

Other Matters

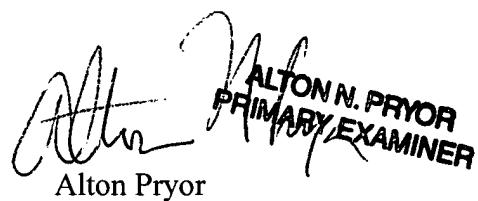
Claims 54 and 55 depend from canceled claims 17 and 26 respectively.

Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton Pryor whose telephone number is (703) 308-4691. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees, can be reached on (703) 308-4628. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.



ALTON N. PRYOR
PRIMARY EXAMINER

Primary Examiner, AU 1616

3/17/03